

Attachment C

Declaration of Arrest Report (DOAR), Las Vegas Metropolitan Police Department
(LVMPD) Event No. LLV200900007194, Sept. 2, 2020

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
DECLARATION OF ARREST REPORT

TCR1097477

 County Jail City Jail Adult Juvenile

Bureau: SNCTC

ID# 2647736		EVENT # LLV200900007194	ARRESTEE'S NAME (LAST) WHITNEY		(FIRST) STEPHON	(MIDDLE) JAMES	SSN# [REDACTED] 8586
RACE B	SEX M	DOB [REDACTED] '1990	HGT 5'10"	WGT 200	HAIR BRO	EYES BLK	POB LAS VEGAS
ARRESTEE'S ADDRESS 1888 WINTERWOOD BLVD					CITY LAS VEGAS	STATE NV	ZIP CODE 89142
OCCURRED DATE: 9/2/2020		ARREST TIME: 18:00	DATE: 9/8/2020		LOCATION OF ARREST (NUMBER, STREET, CITY, STATE, ZIP CODE) 330 CASINO CENTER BLVD S LAS VEGAS NEVADA		
LOCATION OF CRIME (NUMBER, STREET, CITY, STATE, ZIP CODE) 1888 WINTERWOOD BLVD LAS VEGAS NEVADA 89142							
CHARGES / OFFENSES PC - LVJCR - 51460 - F - OWN/POSS GUN BY PROHIBIT PERS PC - LVJCR - 51144 - F - POSS TO SELL SCH I/II, FLNTRZPM/GHB, (2ND)							
CONNECTING REPORTS (TYPE OR EVENT NUMBER) TCR, DOAR, REQUEST FOR PROSECUTION, WITNESS LIST, DIGITAL PHOTOS, SEARCH WARRANT, PRO							

The undersigned makes the following declarations subject to the penalty of perjury and says: That I am a peace officer with the Las Vegas Metropolitan Police Department, Clark County, Nevada, being so employed for a period of approximately 14 year(s).

That I learned the following facts and circumstances which lead me to believe that the above named subject committed or was committing the offenses above at the location of 1888 WINTERWOOD BLVD LAS VEGAS NEVADA 89142 and that the offense(s) occurred at approximately 18:00 hours on the 2nd day of September, 2020.

Details for Probable Cause:

On 09/02/2020 at approximately 1645hrs, I Det. J. Costello, P#9139, from the LVMPD Central Intelligence Unit (CIU) was requested to assist Nevada Parole and Probation (NV P&P) with a home search at 1888 Winterwood Blvd. LVN 89142.

Nevada P&P Officer J. Vargas, P#5484, was conducting a home check of Stephon Whitney, DOB: [REDACTED] '1990. I had contacted Officer Vargas and notified him that I had probable cause to obtain a search warrant for Whitney's DNA after Whitney was an occupant of a vehicle in which three (3) firearms were located on 08/28/2020. At that time of the traffic stop, Whitney had lied about his name and his true identity was later discovered.

Whitney is currently on felony probation for Possession of a Controlled Substance with Intent to Sell out of the 8th Judicial Court of Nevada, Case# C338650-1. His probation runs from 07/16/19 thru 4/17/2022. As a condition of his probation, Whitney has a home-search clause. A record check also revealed that in addition to his current felony probation, Whitney was convicted of 1st Degree Kidnapping, Conspiracy to Commit Robbery and Robbery with a Deadly Weapon on March 26, 2008 in the 8th Judicial District Court of Nevada, Case# C236921. (JOC's have been included with the arrest report)

Upon arriving at the residence, Officer Vargas and his partners contacted Whitney via telephone and asked him to exit the residence. They then detained Whitney and took him back into the home to begin their home search. Officer Vargas took Whitney to his bedroom which was in the southern portion of the duplex. Once there, he began to search the closet with Whitney present. In plain view, on the top shelf of the closet, Officer Vargas observed two fully loaded semi-automatic firearm magazines. Upon closer inspection, the magazines were loaded with 9mm ammunition.

At that time, I was notified that the residence was secure and I entered the residence. Upon entering the house, I went to the bedroom and met with Officer Vargas. Once in the bedroom, Officer Vargas notified me that he had located the firearm magazines. At that time, we froze the residence pending the issuance of a telephonic search warrant. I then

Wherefore, Declarant prays that a finding be made by a magistrate that probable cause exists to hold said person for preliminary hearing (if charges are a felony or gross misdemeanor) or for trial (if charges are misdemeanor).

Arresting Officer: J. COSTELLO

P#: 9139

LVMPD 602 (Rev 02/18) Word 2013

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exited the bedroom and spoke with Jessica Rodosh DOB: [REDACTED]/78. Jessica stated she was Whitney's girlfriend of 3 years and lived in the residence with him and her small son. When asked about any firearms in the residence, Jessica stated she did not own any weapons and would not allow any in her home due to the presence of her son. When asked about the loaded magazines in her bedroom that she shares with Whitney, she stated she had no idea where they had come from.

I applied for and was granted a telephonic search warrant by the Honorable Judge Zimmerman of the Las Vegas Justice Court. The search warrant was for firearms, firearms paraphernalia as well as DNA from Whitney.

During the search of the residence, detectives located a Canik TP9 SF Elite 9mm semi-automatic handgun and a second fully loaded magazine hidden inside of the headboard in Whitney's bedroom. On top of the handgun was a paper bank envelope that contained a large quantity of US currency. It was later counted and found to contain \$4450.00. While continuing to search Whitney's bedroom, inside of a clothes hamper, detectives located two (2) large glass jars containing suspected marijuana as well as a large plastic bag containing suspected marijuana. It was later weighed and found to be approximately ½ pound of suspected marijuana. In the laundry area just outside of the bedroom, detectives located a box of plastic sandwich bags that contained a digital scale. The scale had green leafy residue consistent with marijuana. Based on the totality of the circumstances, the marijuana and the US currency were also seized. For further details in reference to the execution of the search warrant, please refer to the Post-Search Warrant Officer's Report that was completed under this same event number. Digital photographs were also taken of all evidence prior to recovery and uploaded to OnBase.

On 09/03/2020 at approximately 1500hrs, I, along with North Las Vegas PD Detective M. Cook, P#2201, went to the North Las Vegas City Jail located at 2332 N. Las Vegas Blvd. North Las Vegas, NV 89030 to serve the DNA search warrant on Whitney who was incarcerated there. Prior to serving the DNA search warrant, I advised Whitney of his Miranda Rights to which he stated he understood and agreed to speak with me. The DNA search warrant was served and then I began an interview with Whitney.

The following is a synopsis of our interview with Whitney. For further details and exact quotes, please refer to the audio file and transcription of the interview. During the interview, Whitney initially stated that he didn't know anything about the firearm in the headboard and that his DNA would not be located on it. He also stated he didn't know anything about the marijuana. He then stated that his girlfriend smokes marijuana and that there was marijuana in a plastic bag that she smokes. As we continued the conversation Whitney changed his statement multiple times. As we explained the totality of the circumstances, Whitney eventually stated that he wanted to make sure that his girlfriend didn't get in any trouble and admitted that he did have knowledge of both the firearm and the marijuana and that she didn't have knowledge of what was occurring. When pressed for the details about the firearm and marijuana, Whitney knew that the firearm was a 9mm but was uncertain of the brand stating that it was one he hadn't heard of before. He also knew that the marijuana was located near the TV in the bedroom. He also admitted that his DNA would be located on the firearm. When questioned further about the marijuana, Whitney admitted that due to the COVID-19 pandemic, he had lost his job in approximately April of 2020 and he then began selling marijuana to make money. He went on to explain that he's been selling narcotics since approximately nine (9) years of age and that he didn't know what else to do.

Based upon the aforementioned facts and circumstances that Whitney did admit, post-miranda, to knowingly, willingly and unlawfully possessing a firearm as a four (4) time convicted felon to wit: a Canik TP9 SF Elite 9mm semi-automatic handgun, Whitney is being arrested for Prohibited Person in Possession of a Firearm- Convicted Felon. Also, due to the fact that Whitney did admit to knowingly, willingly and unlawfully possessing approximately ½ pound of marijuana for the purpose of selling it, in violation of NRS 453.337.2B, he is being arrested for Possession of a Controlled Substance with Intent to Sell- Marijuana (Second Offense).

All items were impounded as evidence at the LVMPD Headquarters.

***** End *****

Wherefore, Declarant prays that a finding be made by a magistrate that probable cause exists to hold said person for preliminary hearing (if charges are a felony or gross misdemeanor) or for trial (if charges are misdemeanor).